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EXAMINER
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NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2453

NOTIFICATION DATE	DELIVERY MODE
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10/30/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/881,671	<b>Applicant(s)</b> CHERN, VINCENT	
	<b>Examiner</b> LASHANYA R. NASH	<b>Art Unit</b> 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This Office action is in response to the amendment filed 31 July 2008. Claims 1-18 and 27-33 are presented for further consideration. Claims 9, 27, 31 and 32 are currently amended. Claims 19-26 are cancelled.

### ***Response to Arguments***

Applicant's arguments (Fernandez does not disclose or suggest dialing a phone number for connecting to a server), see Remarks, filed 31 July 2008, with respect to the rejections of claims under 35 USC §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of a newly applied reference Gibson et al. (US Patent Application Publication 2002/0016174), as set forth below in the Office action.

Applicant's arguments (Fernandez does not disclose storing a set of state information on the wireless communication device, the state information comprising a status of an interaction between the wireless communications device and the first server for allowing the wireless communication device to return to the same state in the first server that existed prior to terminating the connection) see Remarks, filed 31 July 2008 with respect to the rejection of claim 7 under 35 USC §103(a) have been fully considered and are persuasive. The rejection of the aforementioned claim has been withdrawn.

Applicant's arguments filed 31 July 2008 have been fully considered but they are not persuasive.

In considering Applicant's arguments the following arguments are noted:

- (I) Applicant contends that Fernandez does not disclose or suggest that the first server presents an option to send an audio file to the email recipient.
- (II) Applicant contends that Angwin does not disclose that the first server transmits a signal to the second server indicating that a pending connection with the wireless communication device, the signal including information identifying the wireless communication device.
- (III) Applicant contends that there is insufficient motivation to combine Fernandez with Angwin.
- (IV) Applicant contends that Fernandez does not disclose disconnecting from the first server to in order to communicatively connect to the second server; and reconnecting to the first server before sending the recorded audio file to the email recipient.
- (V) Applicant contends that Fernandez fails to disclose instructing by the mail server, the wireless communications device to connect to a voice server, transmitting a signal from the mail server to the voice server indicating a pending connection with the wireless communication device, wherein the signal includes information uniquely identifying the wireless communication device; receiving, by the mail server, input from the voice server indicating that the audio file is available; and transmitting, by the mail server, a representation of the audio file in association with the email message.

In considering (I), Applicant contends that Fernandez does not disclose or suggest that the first server presents an option to send an audio file to the email recipient. Examiner respectfully disagrees. Examiner asserts that the first server (i.e. main server) provides to the user of a digital mobile phone a summary of a received email, and further provides an option of retrieving the message from an e-mail or v-mail server. In selecting the v-mail server option, the user is provided the functionality of sending an audio file attachment in an email as a reply.

Therefore, it is evident that input received from the mobile phone user selecting an option presented by the first server, or main server, directly results in sending an audio file to the email recipient as the user cannot utilize this function unless first selecting an option at the first server.

In considering (II), Applicant contends that Angwin does not disclose that the first server transmits a signal to the second server indicating that a pending connection with the wireless communication device, the signal including information identifying the wireless communication device. Examiner respectfully disagrees. Examiner asserts that Angwin discloses a first connection between a mobile telephone and a messaging center for transmission of an alert, and a subsequent second connection between the mobile telephone and another communications device for the communication of voice data. Angwin further discloses that the first server transmits a signal, thereby trigger establishment of the second device, which indicates that there is a pending connection with the

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mobile telephone. Examiner asserts that the second connection is established directly in response to the pending first connection (i.e. alert). Therefore it is evident that the signal received by the second device, or server, which activates this second communication provides an indication that there is a mobile user communication established with the first server. Furthermore, Angwin expressly discloses that information identifying the wireless communication device, (IP address) is transmitted to the second server in order to establish the voice data communication.

In considering (III), Applicant contends that there is insufficient motivation to combine Fernandez with Angwin. Examiner respectfully disagrees. The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fernandez discloses that the first server, or main server, establishes a connection with a mobile phone for sending an alert to a user indicating a message to be retrieved, wherein the user selects to establish a connection with a second server, or IVR server, to subsequently establish a voice communications. This is consistent with the configuration as disclosed by Angwin, where a first connection between a mobile telephone and a messaging

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center for transmission of an alert, and a subsequent second connection between the mobile telephone and another communications device for the communication of voice data. Therefore, it is evident that there is at least a suggestion found in Fernandez to accordingly combine the teachings of Angwin as there are considerations in both references for related communications established between a mobile device, a first alerting server and a following second voice server.

In considering (IV), Applicant contends that Fernandez does not disclose disconnecting from the first server to in order to communicatively connect to the second server; and reconnecting to the first server before sending the recorded audio file to the email recipient. Examiner respectfully disagrees. Examiner contends that Fernandez discloses the user of the wireless device disconnecting from the first server in order to communicatively connect to the second server, which is the IVR server. This disconnection from the first server is evident as the user initially logs into the first server in order to retrieve a mail message indication, however the user subsequently must dial a number in order to log into a different server, that is the IVR system, in order to generate a voice response to the message (column 22, line 29-page 23, line 5). The user must log into and also access each server respectively, suggesting a disconnection from the first server in order to completely establish the connection with the IVR system. Furthermore, Fernandez discloses reconnecting to the first server, in order to retrieve the e-mail message in its entirety after the connection to the IVR server

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has been established (page 16, lines 22-27). Thus, Examiner contends that these aforementioned claim limitations are taught by Fernandez.

In considering (V), Applicant contends that Fernandez fails to disclose instructing by the mail server, the wireless communications device to connect to a voice server, transmitting a signal from the mail server to the voice server indicating a pending connection with the wireless communication device, wherein the signal includes information uniquely identifying the wireless communication device; receiving, by the mail server, input from the voice server indicating that the audio file is available; and transmitting, by the mail server, a representation of the audio file in association with the email message. Examiner respectfully disagrees. Examiner asserts that Fernandez discloses that the first server transmits a message to the user of the wireless device as notification (page 22, lines 5-10). Furthermore, Fernandez discloses that in this aforementioned message, an IVR callback number is included in order to direct the user to the second server, or rather the IVR subsystem, in order to subsequently provide an audio reply to a received message (page 22, lines 19-28). This IVR callback number therefore serves as an indication, or instruction, that a connection to the second server is required for the associated message. Examiner additionally notes that the claim language regarding this feature is broad. Although the claim recites that the first server instructs the wireless device to connect to a voice server, there are no limitations in the claim language that specifically recites elements that comprise this instruction and patentably distinguish it from the

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message of Fernandez. Therefore, Examiner asserts that a message including the IVR callback number to as an instruction by the first server, and thusly reads on this limitation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-6, 8-16, 18, 27, 29, 31-33 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over Fernandez et al. (International**

**Application Publication WO 99/65256) and Angwin et al. (UK Patent**

**Application Publication GB 2345613), hereinafter referred to as Fernandez and Angwin respectively.**

In reference to claim 1, Fernandez discloses a method employed for accessing electronic messages for mobile devices (abstract). Fernandez further discloses:

- A method for sending an audio file to an electronic mail (email) recipient over a wireless communications network from a user of a wireless communication device (i.e. mobile phone able to send voice attachment to e-mail; page 4, line 28-page 5, line 15), the method comprising:

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- communicatively connecting to a first server over the wireless communications network (i.e. messaging server/main server; page 9, lines 2-26; page 11, lines 18-31) ;
- receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient (i.e. reply to email with an audio file attached to an email; page 12, lines 20);
- communicatively connecting the wireless communication device to a second server (i.e. IVR server) over the wireless communications network in response to the selected option, (i.e. user calls into IVR server after notification received; page 22, line 19-page 23, line 13);
- Recording the audio file on the second server and sending the recorded audio file to the email recipient as part of an email message (page 7, lines 15-20; page 17, lines 1-5).

Although Fernandez discloses substantial features of the invention, the reference fails to expressly disclose wherein the first server transmits a signal to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device. Nonetheless, this would have been an obvious modification to the teachings of Fernandez for one of ordinary skill in the art at the time of the invention, as further evidenced by Angwin.

In an analogous art, Angwin discloses a method employed for establishing an interactive voice session in a wireless network (abstract). Angwin further discloses first server transmits a signal to the second server indicating a pending

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connection with the wireless communication device, the signal including information identifying the wireless communication device (i.e. identity notification for mobile phone; page 9, lines 25-27), (i.e. alert message triggers establishment of second connection for voice data; page 8, lines 18-45). It would have been obvious for one of ordinary skill in the art to combine the known element of a signal indicating a pending connection with a wireless communication device, as taught by Angwin, with the known elements of a first server (i.e. main server) and a second server (i.e. IVR sever) connections with a wireless communication device, as taught by Fernandez without modification to their respective functions in order to yield the predictable result of a wireless device connecting to a second server for dedicated voice data communications to record an audio file in response to the selected option with a first server.

In reference to claim 18, Fernandez discloses a method employed for accessing electronic messages for mobile devices (abstract). Fernandez further discloses:

- A method for sending a message to an electronic mail (email) recipient over a wireless communications network from a user of a wireless communication device (i.e. mobile phone able to send voice attachment to e-mail; page 4, line 28-page 5, line 15), the method comprising:
- Dialing a phone number (i.e. logging into system using users mobile phone number; page 22, lines 5-8) for communicatively connecting the wireless communication device to an email server by a data packet

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- connection over the wireless network (i.e. messaging server/main server; page 9, lines 2-26; page 11, lines 18-31) ;
- receiving input selecting an option presented by the first server to send a voice message to the email recipient (i.e. digitized voice response to email; page 6, lines 10-16);
  - communicatively connecting the wireless communication device to an interactive voice response server (i.e. IVR server) over the wireless communications network in response to the selected option, (i.e. user calls into IVR server after notification received; page 22, line 19-page 23, line 13);
  - Recording the voice message on the interactive voice response server; and sending the recorded voice message in an attachment to an email to the email recipient (page 7, lines 15-20; page 17, lines 1-5).

Although Fernandez discloses substantial features of the invention, the reference fails to expressly disclose wherein the email server transmits a signal to the interactive voice response server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device. Nonetheless, this would have been an obvious modification to the teachings of Fernandez for one of ordinary skill in the art at the time of the invention, as further evidenced by Angwin.

In an analogous art, Angwin discloses a method employed for establishing an interactive voice session in a wireless network (abstract). Angwin further discloses first server transmits a signal to the second server indicating a pending

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connection with the wireless communication device, the signal including information identifying the wireless communication device (i.e. identity notification for mobile phone; page 9, lines 25-27),(i.e. alert message triggers establishment of second connection for voice data; page 8, lines 18-45).It would have been obvious for one of ordinary skill in the art to combine the known element of a signal indicating a pending connection with a wireless communication device, as taught by Angwin, with the known elements of a first server (i.e. main server) and a second server (i.e. IVR sever) connections with a wireless communication device, as taught by Fernandez without modification to their respective functions in order to yield the predictable result of a wireless device connecting to a second server for dedicated voice data communications to record an audio file in response to the selected option with a first server.

In reference to claim 27, Fernandez discloses a method employed for accessing electronic messages for mobile devices (abstract). Fernandez further discloses:

- A method for sending an audio message in association with an electronic mail (email) message (i.e. mobile phone able to send voice attachment to e-mail; page 4, line 28-page 5, line 15), the method comprising:
- Providing a wireless communication device with access to an email message (i.e. mobile phone connecting to messaging server/main server to retrieve email; page 5, lines 5-12; page 9, lines 2-26; page 11, lines 18-31) ;

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- Receiving, by a mail server, input from the wireless communication device selecting an option to associate an audio file with the email message (i.e. reply to email with an audio file attached to an email; page 12, lines 20);
- instructing the wireless communication device to connect to a voice server (i.e. IVR server), (i.e. user calls into IVR server after notification received using IVR callback number; page 22, line 19-page 23, line 13);
- Receiving, by the mail server, input from the voice server indicating that the audio file is available; and transmitting, by the mail server, a representation of the audio file in association with the email message (page 7, lines 15-20; page 17, lines 1-5).

Although Fernandez discloses substantial features of the invention, the reference fails to expressly disclose transmitting a signal from the mail server to the voice server indicating a pending connection with the wireless communication device, wherein the signal including information uniquely identifying the wireless communication device. Nonetheless, this would have been an obvious modification to the teachings of Fernandez for one of ordinary skill in the art at the time of the invention, as further evidenced by Angwin.

In an analogous art, Angwin discloses a method employed for establishing an interactive voice session in a wireless network (abstract). Angwin further discloses first server transmits a signal from the mail server to the second server indicating a pending connection with the wireless communication device, the signal including information identifying the wireless communication device (i.e. identity notification for mobile phone from a Messaging Centre server; page 9,

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lines 25-27),(i.e. alert message triggers establishment of second connection for voice data; page 8, lines 18-45).It would have been obvious for one of ordinary skill in the art to combine the known element of a signal indicating a pending connection with a wireless communication device, as taught by Angwin, with the known elements of a first server (i.e. main server) and a second server (i.e. IVR sever) connections with a wireless communication device, as taught by Fernandez without modification to their respective functions in order to yield the predictable result of a wireless device connecting to a second server for dedicated voice data communications to record an audio file in response to the selected option with a first server.

In reference to claim 4, Fernandez discloses wherein receiving input from the user selecting an option to send the audio file further comprises: presenting a received email He message on the wireless communication device; receiving input from the user selecting an option to respond to the received email the message; and receiving input from the user selecting an option to attach the audio file to the response to the received email the message (page 5, lines 5-15).

In reference to claim 5, Fernandez discloses wherein the communicatively connecting the wireless communication device to a second server further comprises: terminating the connection with the first server; and establishing an audio connection between the wireless communication device and the second server (page 16, lines 22-31).

In reference to claim 6, Fernandez discloses wherein the signal further includes user identification information (page 22, lines 5-20).

In reference to claim 8, Fernandez discloses wherein the recording the audio file comprises: providing an audio input through the wireless communication device; and storing the audio input as an audio file on the second server (page 17, lines 1-5).

In reference to claim 9, Fernandez discloses further comprising providing the user with at least one option, the option selected from the group consisting of: re-recording the audio file, canceling the recording, and sending the audio file to the email recipient (page 6, lines 10-16).

In reference to claim 10, Fernandez discloses wherein the sending the audio file to the email recipient further comprises: transmitting a signal to the first server indicating that the audio file is ready to be sent; attaching the audio file to an electronic mail message; and sending the electronic mail message to the email recipient (page 7, lines 15-20).

In reference to claim 11, Fernandez discloses further comprising: disconnecting from the first server in order to communicatively connect to the second server;

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and reconnecting to the first server before sending- the recorded audio file to the email recipient (page 16, lines 22-31; page 22, line 29-page 23, line 5).

In reference to claim 12, Fernandez discloses wherein the reconnecting to the first server comprises providing the user with a plurality of options selected from the group consisting of: listening to a second audio file stored on the second server and reconnecting to the first server (page 16, lines 22-31; page 22, line 29-page 23, line 5).

In reference to claim 13, Fernandez discloses wherein the first server comprises an email server (page 5, lines 5-12; page 9, lines 2-26; page 11, lines 18-31).

In reference to claim 14, Fernandez discloses wherein the second server comprises an interactive voice response server (page 6, lines 4-11).

In reference to claim 15, Fernandez discloses wherein the first and second servers are connected by common platform means (Figure 3).

In reference to claim 16, Fernandez discloses wherein the audio file comprises a .wav file (page 17, lines 1-5).

In reference to claim 29, Fernandez discloses wherein the information uniquely identifying the wireless communication device comprises a telephone number corresponding to the wireless communication device (i.e. logging into system using user's mobile phone number; page 22, lines 5-8).

In reference to claim 31, Fernandez discloses wherein instructing, by the mail server, the wireless communication device to connect to a voice server further comprises: transmitting to the wireless communication device a telephone number corresponding to the voice server (page 22, lines 20-30).

In reference to claim 32, Fernandez discloses wherein receiving, by the mail server, input from the voice server indicating that the audio file is available further comprises: receiving information identifying the wireless communication device with which the audio file is associated (page 22, line 5-page 23, line 14).

In reference to claim 33, Fernandez discloses wherein the information identifying the wireless communication device with which the audio file is associated comprises a telephone number corresponding to the wireless communication device (i.e. logging into system using users mobile phone number; page 22, lines 5-8).

**Claims 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez and Angwin as applied to the claims above, and further in view Ball et al. (US Patent 6,240,391) hereinafter referred to as Ball.**

In reference to claim 17, Fernandez and Angwin fail to disclose wherein the sending the audio file to the email recipient comprises sending a hyperlink to the audio file stored on the second server. Nonetheless, this would have been an

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obvious modification to the teachings of Fernandez and Angwin as further evidenced by Ball.

In an analogous art, Ball discloses a method for assembling and presenting voicemail messages (abstract). Ball further discloses sending a hyperlink to the audio file stored on the second server (column 16, lines –24; Figure 5-item 504). It would have been obvious for one of ordinary skill in the art to combine the known element of sending an audio file to an email recipient, as taught by Fernandez and Angwin, with the known element of a sending a hyperlink to the audio file stored on a server, as taught by Ball, without modification to their respective functions to yield the predictable result of an email comprising an hyperlink to the audio file being sent to a recipient.

In reference to claim 30, Fernandez and Angwin fail to disclose wherein the representation of the audio file comprises a link to the audio file stored on the voice server. Nonetheless, this would have been an obvious modification to the teachings of Fernandez and Angwin as further evidenced by Ball.

In an analogous art, Ball discloses a method for assembling and presenting voicemail messages (abstract). Ball further discloses link to the audio file stored on the voice server (column 16, lines –24; Figure 5-item 504). It would have been obvious for one of ordinary skill in the art to combine the known element of sending an audio file to an email recipient, as taught by Fernandez and Angwin, with the known element of a sending a hyperlink to the audio file stored on a server, as taught by Ball, without modification to their respective

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functions to yield the predictable result of an email comprising an hyperlink to the audio file being sent to a recipient.

**Claims 3 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez and Angwin as applied to the claims above, and further in view Oakes et al. (US Patent 6,205,342), hereinafter referred to as Oakes.**

In reference to claim 3, Fernandez and Angwin fail to disclose wherein receiving input from the user selecting an option to send the audio file further comprises: receiving input from the user selecting an option to compose a new email message; and receiving input from the user selecting an option to attach the audio file to the new email message. Nonetheless, this limitation was well known in the art at the time of the invention, as further evidenced by Oakes. Therefore, one of ordinary skill in the art would have readily recognized the advantages to implementing this modification.

In an analogous art, Oakes teaches a user of a wireless device (i.e. cellular phone) entering a message creation mode in order to compose an initial email file (i.e. text message), (column 3, line 63 to column 4, line 12 and Figure 4). One of ordinary skill in the art would have been so motivated to accordingly modify the audio note method so as to increase the ease of generating email files (i.e. text message) for wireless device users, thereby increasing convenience (Oakes column 1, lines 6-10).

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In reference to claim 28, Fernandez and Angwin fail to disclose wherein the email message comprises a new email message. Nonetheless, this limitation was well known in the art at the time of the invention, as further evidenced by Oakes. Therefore, one of ordinary skill in the art would have readily recognized the advantages to implementing this modification.

In an analogous art, Oakes teaches a user of a wireless device (i.e. cellular phone) entering a message creation mode in order to compose an initial email file (i.e. text message), (column 3, line 63 to column 4, line 12 and Figure 4). One of ordinary skill in the art would have been so motivated to accordingly modify the audio note method so as to increase the ease of generating email files (i.e. text message) for wireless device users, thereby increasing convenience (Oakes column 1, lines 6-10).

**Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez and Angwin, as applied to claim 1 above, and further in view of Gibson et al. (Us Patent Application Publication 2002/0016174), hereinafter referred to as Fernandez and Angwin respectively.**

In reference to claim 2, Fernandez and Angwin fail to disclose the method wherein the step of communicatively connecting to a first server further comprises: dialing a phone number for connecting to the first server using the wireless communication device; and establishing a data packet connection between the wireless communication device and the first server. Nonetheless, these were well-known features in the art at the time of the invention, as further

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evidenced by Gibson. Therefore, it would have been obvious for one of ordinary skill in the art to accordingly modify the method of Fernandez and Angwin.

In an analogous art, Gibson discloses a method for employing telephone numbers for connection to Internet and voice communications (abstract). Gibson further discloses dialing a phone number for connecting to the first server using the wireless communication device; and establishing a data packet connection between the wireless communication device and the first server (i.e. dialing a phone number to connect to Internet server; paragraph [0025], lines 1-13). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Fernandez and Angwin so as to provide access to packet-based communications (i.e. Internet) to web enabled wireless phone users by use of a familiar telephone number format (Gibson; paragraph [0023], lines 4-7).

### ***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHANYA R. NASH whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/  
Examiner, Art Unit 2453  
October 24, 2008

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457